

In the matter of:

Amendment of Part 97 of the Commission's Rules  
Regarding Amateur Radio Service  
Communications During Government Disaster Drills  
WP Docket No. 10-72

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I am currently licensed as Amateur Extra class operator N8GFO. I am a member of the ARRL, Amateur Radio Emergency Service (ARES) and Radio Amateur Civil Emergency Service (RACES). I also hold a station license under Civil Air Patrol and manage a fleet license under maritime Part 80, and am a member of the Quarter Century Wireless Association. I participate regularly in the local county emergency services operations, providing radio support and training. One of our served agencies is the local branch of a large hospital group, and we have participated in training drills with them.

I respectfully request the Commission reconsider the waiver system it has established that allows employees of local agencies to operate amateur radio stations outside of true emergency situations, and to refrain from implementing the changes proposed in this proceeding.

In just the short time since the waiver system has gone into effect, it has become clear that the local hospital is no longer worried about commercial land mobile radio systems for their emergency communications, but has begun funding installations of amateur radio equipment in its place. They have requested assistance in getting several of their employees licensed to operate those systems. In fact, the emergency operations center for the local hospital contains a tub of low-powered commercial handhelds for local service, and two amateur radios with roof-mounted antennas for inter-hospital communications. There is no LMR base station at all.

In other words, amateur radio has become, to them, a cheap means of

long distance communications. They have discovered they can save a large amount of money by relying on privately funded amateur radio infrastructure (repeaters and Internet gateways) and relatively inexpensive amateur radio equipment. I operate one of those Internet gateways, funded out of my own pocket.

I think the misunderstanding of amateur radio's true role can be demonstrated by the inability of one hospital employee who has been paid to obtain her amateur license to spell the word 'amateur' in an FCC comment. Many old time amateurs consider the knowledge of Morse code to be a badge of honor separating the amateur service from "CB"; it is sad that for some modern licensees access to the amateur radio service is not worth the effort of knowing how to spell it. It's just another thing they have to learn for their job.

This is not the basis for Amateur radio as defined in Part 97. We are not intended to be a drop-in replacement for commercial communications systems. We are a volunteer service which has as one of it's functions providing emergency communications when necessary. We are not intended to provide emergency communications in place of properly designed commercial systems, and in fact the rules prohibit amateur communications where available commercial alternatives exist. Clearly we are not ourselves supposed to be those "commercial alternatives".

This waiver system, and proposed change to the rules, turns an amateur radio license into nothing more than a Restricted Radiotelephone Operator Permit, since the clear intent of the licensees involves nothing more than being allowed to push the transmit button on a radio, and most have no interest in the hobby once they meet the demands of their employer to "get your license". If there were a license-free low-cost radio system that gave 100 mile coverage at the push of a button, hospitals would be all over it in a heartbeat, and amateurs would be shown the door as unnecessary.

I would point out that the lack of a waiver, whether upon request or codified permanently in the rules, does not prevent any agency employee from actually pursuing amateur radio as a hobby, including emergency services. Nor would it prevent amateur radio operators of

any employment status from participating in actual emergency communications. It would only prevent an employer from turning a volunteer/hobby avocation into a requirement for employment.

By diverting funding for commercial land mobile systems sufficient to provide even basic emergency communications into amateur radio, this modification to the rules does cause economic impact to "small entities", namely commercial land mobile radio dealers and maintenance facilities. In place of a \$1000 LMR radio, the hospital purchases a foreign-made \$500 VHF radio and has it installed by volunteers. In place of a commercial linked repeater system connecting two hospital locations, the hospital uses repeaters that are, for the most part, funded and maintained by private individuals. (This hospital in particular is providing electricity and antenna space for a repeater. Other than that, the repeater is paid for and maintained by volunteers.) Instead of keeping a radio shop on-call to fix problems with a commercial system, the hospital is relying on amateur volunteers bringing in their personal equipment to replace anything that fails.

This reduction and diversion of funds cannot help but have a negative economic impact on the "small entities" that perform commercial radio services.

The experience with the Indianapolis, Indiana police department, where officers were not only using amateur radios for routine communications, but were using profane language on amateur frequencies, should be an unmistakable signal that steps need to be taken to clarify amateur radio's role in the modern communications environment. The following quote from a police lieutenant in Indianapolis is shocking evidence that the concept of "amateur radio" is lost on management, even after enforcement actions are taken. "Apparently, there has been a problem with some language, which is a violation of the FCC regulations." (1) To this police department, the only issue with using amateur radios by employees is not that they have no authorization to use them in the first place, but that they used "some language".

While it may have been hard to predict the result of the original

waiver system on the amateur nature of amateur radio, experience in just the short time it has existed, and the incredible demand from hospitals and other agencies that the waiver be implemented permanently, should show the danger that amateur radio faces should the non-commercial basis of amateur radio be removed.

If we once thought that the non-commercial nature of amateur radio prevented a school teacher who was clearly not communicating on behalf of his employer's pecuniary interests from having a radio in the classroom and thus required a special exemption in the rules, how can we possibly think that direct communications as part of the job on behalf of an employer should be allowed? If today we allow "government entities" blanket permission, what companies will want the same treatment tomorrow?

There is an increasing demand for commercial use of amateur radio systems and frequencies. The manufacturer of a remote controlled robot designed their systems to use amateur frequencies from the beginning and then claimed "public service" as an excuse to exempt them from the rules. A large city police department installed amateur radios for their employees and just started using them. The enforcement reports contain many other examples of commercial intruders. Now hospitals and other "government entities" claim the right to use amateur radio as an alternative to commercial radio systems. At some point we must say "no" if we wish to retain the amateur radio service in any recognizable form.

For these reasons, I request that the changes proposed in this rule making be rejected, and the waiver system itself be reconsidered.

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(1) <http://www.officer.com/online/article.jsp?siteSection=1&id=45527>